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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,138

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Dwight K. Buckle

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2005

28886

7590

09/15/2010

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EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,138	<b>Applicant(s)</b> BUCKLE ET AL.	
	<b>Examiner</b> EMMANUEL S. LUK	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-6, and 8-22 are pending, claims 1-5 and 14-22 are non-elected and withdrawn, claim 7 is canceled by the applicants. Claims 6 and 8-13 have been examined as shown below.

### ***Response to Arguments***

2. Applicant's arguments filed 7/19/10 have been fully considered but they are not persuasive. The applicant's arguments concerning the pin and the rack and pinion arrangement have been considered, particularly concerning the arrangement of the rack pin being at a right angle to cylinder shaft, the rejection has incorporated this specific arrangement of the rack at a right angle to the cylinder shaft 50, as taught by Joseph. This arrangement is known in the art and it would have been obvious for one of ordinary skill in the art to incorporate these driving features with the prior art references.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 6, 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmi (3548451) in view of Potter (20020195736) and Hirose (JP-2003001634) and Joseph (6450797).

Carmi teaches an apparatus with a forming mold 16 with separate mold sections 12, 13 that forms a mold cavity 14 for expanded plastic articles (such as polystyrene

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particles), the apparatus having a rod 22 with head 23 that is moved (see Col. 5, lines 25-41). The rod 22 of Carmi acts similar to the claimed pin in movement within the cavity.

Carmi fails to teach the fill plate with inlet and rack and pinion arrangement of the pin.

Potter teaches a first and second mold portions that form a mold cavity including a fill plate with inlet for introducing the expandable plastic material into the mold cavity.

Hirose teaches a molding device including a rack and pinion 60, 70 that are used to actuate a rack 50 that drives the movement of an undercut mold 40. The undercut mold being the same structure as the claimed pin is actuated into the claimed mold. It is noted that the rack and pinion arrangements are well known in the mechanical arts for arrangement of a rack pin engaging a pinion that engages a cylinder shaft, the rack pin being at a right angle to the cylinder shaft, for example, Joseph teaches the movement of the rack and pinion, wherein a cylinder 50 drives the first rack 46, the first rack moves and engages a pinion 54, this moves a second rack 60 that is located at a right angle to the first rack. This arrangement is well known that one skilled in the art as an arrangement of known parts can accommodate the rack and pinion arrangement of such as Hirose for to allow for movement of the claimed pin.

It would have been obvious for one of ordinary skill in the art to modify Carmi with the inlet for allowing the material in as taught by Potter for allowing the material to be entered, substituting the movement drive of Carmi with the rack and pinion as taught by Hirose because it allows for a simpler movement drive that allows for movement of the

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undercut portion in the mold and for removing the portion from the molded article and with the arrangement of the rack pin at a right angle to the cylinder shaft as taught by Joseph so that it provides a compact arrangement for sliding the racks in relation to the cylinder and it is a known alternate arrangement of the rack and pinion for engaging a movable core within a molding apparatus. The arrangement of the rack and pinions is a rearrangement of known parts for a known effect, in this case, the movement of the pin into the mold cavity in a linear motion. As evidenced by Hirose, it is known in the art for utilizing such elements for the linear motion of the mold (40) into and out of the foaming mold.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmi in view of Potter (20020195736), Hirose (JP-2003001634) and Joseph as applied to claim 6 above, and further in view of Maloney (4114759).

Carmi in view of Potter, Hirose, and Joseph fail to specifically teach the mold elements being made from brass or stainless steel.

In regards to the metal materials of the mold including brass and stainless steel, these are well known metals used in constructing tools and it would have been obvious for one of ordinary skill in the art to incorporate these materials for the mold and which is clearly taught by Maloney for the production of foamed polystyrene particles that can be molded by "molds made from aluminum, stainless steel, or brass" (see Col. 4, lines 32-34), the foamed polystyrene particles being molded and formed by heat including steam (Col. 4, lines 28-30). Therefore, it would have been obvious for one of ordinary

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skill in the art to modify Carmi in view of Potter, Hirose, and Joseph with the mold parts formed from stainless steel or brass as taught by Maloney as these are well known components used in molds that utilize a steam chest for heating and forming the foamed polystyrene particles.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL S. LUK whose telephone number is (571)272-1134. The examiner can normally be reached on Monday-Fridays from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Yogendra N Gupta/

Supervisory Patent Examiner, Art Unit 1791

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